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EXAMINER

VO, TED T

ART UNIT	PAPER NUMBER
2122	10

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Please find below and/or attached an Office communication concerning this application or proceeding.

3

Office Action Summary

Application No.

09/681,584

Applicant(s)

MATHUR ET AL.

Examiner

Ted T. Vo

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 February 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-39 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-39 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is in response to Applicants' amendment filed on 2/27/2004, where Claims 1, 4, 6, 7, 9, 10, 11, 12, 15, 16, 17, 19, 21, 23-26, 29, and 30 are amended. Claims 31-39 are newly added.

Claims 1-39 remain pending in the application.

Response to Arguments

2. Applicants traverse the objection of Claims 2, 7-16, 18, 22 in the previous Office action as being objected to for using the trade name "PowerBuilder" from SyBase. Regarding Applicants' contending that they are not using the trade name because of their "Power Builder" having a space between "Power" and "Builder" (re: Remarks: page 10), this objection is withdrawn.

3. Applicants' amendment has been fully considered. Applicant's amendment, particularly to independent Claims 1, 7, 17, and 21, necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

Applicants' arguments to Claims 1-39, particularly to amended Claims 1, 7, 17, and 21 have been fully considered. However, these arguments are not persuasive.

For example,

- a. Pointing out to Claim 1, Applicants argue that Salas (US 5,862,391) currently used as applied to Claims 1-39, does not describes or suggests a method for adding device to a power management control that includes the steps recited in the Claim 1 (re: Remarks: page 11, last two paragraphs); particularly, Applicants argue Salas does not describe or suggest their newly added limitation, "*automatically updating a configuration of at least one of the devices and the screens*", and contend that Salas rather describes selecting configuration of a new device from the Device configuration screen and

selecting RUN on the Server Windows Application-Server screen after setting the configuration (re: Remarks, page 12, first paragraph).

Examiner disagrees: Salas discloses adding device to a power management control that includes the steps recited in the Claim 1, by prompting to a user a PMCS_50 (See FIG.9), providing screen windows to allow a user to add new devices (See FIGs 44-51), and providing a wizard (See column 13, lines 1-23, "PowerWizard") to assist a user to generate a power device without programming skills.

With regards to newly added limitation, "automatically updating", in Claim 1: "*automatically updating a configuration of at least one of the devices and the screens control*", the specification's shows *automatically updating* in the similarly manner of Salas's teaching. Indeed, Drawings FIGs 8, 9, 11, and passage 0030 in the specification, pages 7-8 describe *automatically update* just merely being with the assistance of a wizard and including user intervention. Salas discloses updating such a device configuration using screen tab devices such "add", "modify" (See FIG 40), and using pull down menu (See FIG. 41) for selecting device types. Salas further discloses a wizard ('PowerWizard') that assists adding a power device, having ability of automatic update/correct device's configurations from user input's errors (See column 13, lines 1-23; column 21, lines 49-65). Thus, based on the similarity, Salas's updating of such devices includes *automatically update*.

Furthermore, in regarding using the means of automatic for recitation "automatically updating a configuration", an automatic or mechanical means to replace a manual activity which accomplished the same result is not sufficient to distinguish over the prior art. See *In re Venner*, 262 F.2d 91, 95, 120 USPQ 193, 194 (CCPA 1958).

b. Pointing out to Claim 7, Applicants argue that Salas does not describes or suggest a power control management system that includes at least one intelligent end device interfaced to the control computer and the means recited in the Claim 7 (re: remarks, page 12, last paragraph); particularly, Applicants argue Salas does not describe or suggest the newly added limitation, "*a software package configured to automatically updating a configuration of at least one of the selected intelligent end devices*,

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the points, and the screens" (re: remarks, page 13, first full paragraph) as corresponding to the added limitations recited in Claim 1.

Examiner disagrees: Salas discloses a power management control that includes the features recited in the Claim 7, because Claim 7 recites a system that has the limitation corresponding to the limitation recited in Claim 1. Furthermore, Salas' PMCS_50 (See FIG. 9) is a Power Management Control System used in a computer interfaced with end intelligent devices (See FIG. 2, for example, feature numeral 130, 134, 136, or 132).

For newly added limitation, *"a software package configured to automatically updating a configuration of at least one of the selected intelligent end devices, the points, and the screens"*, it is corresponding to the newly added limitation recited in Claim 1. Thus, refer to discussion of this newly added limitation of Claim 1 above.

c. The arguments of Claims 17 (re: Remarks, pages 13-14) and Claim 21 (re: Remarks, page 14) have also been fully considered. However, the Claims recite the limitations corresponding to the limitations of Claim 1, 7, and Applicants contend the same reason as they contend in Claims 1 and 7.

Therefore, Applicants' arguments to Claims 1-30, including newly added Claims 31-39; particularly, arguing for the newly added limitation of Claim 1, 7, 17, and 21 are not persuasive based on Salas' teaching as discussed above.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-39 are rejected under 35 U.S.C. 102(b) as being anticipated by Salas et al., US 5,862,391 (IDS, Paper #3).

Given the broadest reasonable interpretation of followed claims in light of the specification.

As per Claim 1:

Salas discloses a power management system comprising: *"A method for adding devices to a power management control system, said the method comprising the steps of:*

prompting a user to create a new project (See column 13, lines 5-7, "generate a power distribution device interface without programming skills");

prompting the user to add devices to the new project (See FIG. 40, popup window 'Device Configuration' with 'Add' button, see column 23, line 18, "new device");

executing a file to automatically configure the devices (See column 23, lines 26-28, 'button CONFIGURATION' on the server windows application, or see column 24, lines 16-29, "run");

generating screens for the devices added to the project (see column 24, lines 30-42, "VIEW" button); and

automatically updating a configuration of at least one of the devices and the screens"

(Salas discloses the such limitation in updating such a device configuration using screen tab devices such "add" and "modify" (See FIG 40), and using pull down menu (See FIG. 41) that shows the device type. Salas further discloses a wizard ('PowerWizard') that assists adding a power device and also has ability of automatic update/correct device's configurations from user input's errors (See column 13, lines 1-23; Column 21, lines 49-65)).

As per Claim 2: Salas discloses claim limitation in the button "file" in a window, a file selection, appeared on left top of the window (see FIG. 7).

As per Claim 3: Salas discloses claim limitation in the "file" button in a window on left top of the popup window (see FIG. 7). When a file exists in a file registry, there will be a means of availability, and a means of option; a mouse click set upon a file in the registry will provide a selection.

As per Claim 4: Salas discloses a popup screen that includes the device descriptions (See FIG. 52).

As per Claim 5: Salas discloses a popup screen that allows a user to enter an added device (See FIG. 41).

As per Claim 6: Salas discloses the limitation of Claim 6 (see column 13, lines 29-41; column 13, lines 5-41, PowerWizard, that provides ranges of devices).

As per Claim 31: Salas's discloses the limitation of Claim 31 (See FIG. 42, "com port:").

As per Claim 32: Salas discloses the limitation of Claim 32 (See FIG. 40, "add", that prompts FIG. 41 for adding a device, including 'com port', 'Device Type' etc, and it also prompts FIG. For source and information of the device type. FIG. 42, with pull down tabs allow determining that a selected device type is existed or not).

As per Claim 33: Salas discloses the limitation of Claim 33 (See column 13, lines 29-41); Salas includes PowerWizard (see column 13, lines 5-41) that provides ranges of devices.

As per Claim 7: Salas discloses, "*a power management system comprising:*

A control computer (see FIG. 1, computer 122); at least one intelligent device (see FIG. 1, devices connected to Modbus Concentrator 138) interfaced to said control computer for controlling and monitoring power; and

A software package to control said system comprising a user interface (see FIG. 4, 164a), and applications layer (see FIG. 68, feature numeral 610), an operating system (see column 2, Microsoft Window environment lines 37-38); and a Power Builder (See FIG. 4, Applications Module 156) for facilitating automated addition and configuration of user selected intelligent end devices to said power management control system (See column 2, lines 33-36, 'software for monitoring and controlling', or FIG. 4, feature numeral 156), said Power Builder configured to build external applications onto a power management control project framework (see FIG.s 40-41), automatically create points (See column 13, lines 29-41) associated with said selected intelligent end devices (see FIG. 2) and generate main menu screens for said selected intelligent end devices (see FIG. 41),

wherein said software package is configured to automatically update a configuration of at least one of said selected intelligent end devices, said points, and said screens" (Salas discloses the such

limitation in updating such a device configuration using screen tab devices such "add" and "modify" (See FIG 40), and using pull down menu (See FIG. 41) that shows the device type. Salas further discloses a wizard ('PowerWizard') that assists adding a power device and also has ability of automatic update/correct device's configurations from user input's errors (See column 13, lines 1-23; Column 21, lines 49-65)).

As per Claim 8: Salas discloses claim limitation of Claim 8 in "file" tab in a window (See FIG. 7). When a file exists in a file registry, there will be a means of availability, and means of option. A mouse click set upon a file in the registry will provide a selection.

As per Claim 9: Salas shows the applications module comprises add device configuration (FIG. 41) that can add a device to the power management control system.

As per Claim 10: Salas shows the add device configuration (FIG. 41) comprising descriptions of an added device; the descriptions indicate device type, device name, etc.

As per Claim 11: The software for monitoring and controlling selected aspects of the power management control system includes DDE (See column 11, lines 19-25); where the DDE provides data configured to a field device (See column 24, lines 52-67).

As per Claim 12: The software for monitoring and controlling selected aspects of the power management control system includes a list configured devices (see FIG. 40), a wizard (FIG. 10), data file with points (see column 13, lines 29-41); even logger (FIG. 4,160).

As per Claim 13: Salas includes .INI file (See column 20, line 16), where INI extension is known as a file used in initialization.

As per Claim 14: FIG.s 60-64 have means of facilitating a view of a selected device.

As per Claim 15: FIG. 13 is a wizard selection dialog box which includes wizard templates in the left side.

As per Claim 16: Salas includes .INI file (See column 20, line 16), where an .ini file is known as comprising initialized features manually entered or added by a change in device configuration such as adding or deleting.

As per Claim 34: Salas discloses the limitation of Claim 34 (See FIG 40, Application name, device name in the box, FIG. 42, "com port:").

As per Claim 35: Salas discloses the limitation of Claim 35 (See FIG. 40, "add", that prompts FIG. 41 for adding a device, including 'com port', 'Device Type' etc, and it also prompts FIG. For source and information of the device type. FIG. 42, with pull down tabs allow determining that a selected device type is existed or not).

As per Claim 17: The claim has the claimed functionality corresponding to Claim 1. Claim 17 is rejected in the same reason set forth in connecting to Claim 1.

As per Claim 18: The claim has the claimed functionality corresponding to Claim 2. Claim 18 is rejected in the same reason set forth in connecting to Claim 2.

As per Claim 19: The claim has the claimed functionality corresponding to Claim 4. Claim 19 is rejected in the same reason set forth in connecting to Claim 4.

As per Claim 20: The claim has the claimed functionality corresponding to Claim 5. Claim 20 is rejected in the same reason set forth in connecting to Claim 5.

As per Claim 36: The claim has the claimed functionality corresponding to Claim 31. Claim 36 is rejected in the same reason set forth in connecting to Claim 31.

As per Claim 37: The claim has the claimed functionality corresponding to Claim 32. Claim 37 is rejected in the same reason set forth in connecting to Claim 32.

As per Claim 21: The claim has the claimed functionality corresponding to Claim 7. Claim 21 is rejected in the same reason set forth in connecting to Claim 7.

As per Claim 22: The claim has the claimed functionality corresponding to Claim 8. Claim 22 is rejected in the same reason set forth in connecting to Claim 8.

As per Claim 23: The claim has the claimed functionality corresponding to Claim 9. Claim 23 is rejected in the same reason set forth in connecting to Claim 9.

As per Claim 24: The claim has the claimed functionality corresponding to Claim 10. Claim 24 is rejected in the same reason set forth in connecting to Claim 10.

As per Claim 25: The claim has the claimed functionality corresponding to Claim 11. Claim 25 is rejected in the same reason set forth in connecting to Claim 11.

As per Claim 26: The claim has the claimed functionality corresponding to Claim 12. Claim 26 is rejected in the same reason set forth in connecting to Claim 12.

As per Claim 27: The claim has the claimed functionality corresponding to Claim 13. Claim 27 is rejected in the same reason set forth in connecting to Claim 13.

As per Claim 28: The claim has the claimed functionality corresponding to Claim 14. Claim 28 is rejected in the same reason set forth in connecting to Claim 14.

As per Claim 29: The claim has the claimed functionality corresponding to Claim 15. Claim 29 is rejected in the same reason set forth in connecting to Claim 15.

As per Claim 30: The claim has the claimed functionality corresponding to Claim 16. Claim 30 is rejected in the same reason set forth in connecting to Claim 16.

As per Claim 38: The claim has the claimed functionality corresponding to Claim 34. Claim 38 is rejected in the same reason set forth in connecting to Claim 34.

As per Claim 39: The claim has the claimed functionality corresponding to Claim 35. Claim 39 is rejected in the same reason set forth in connecting to Claim 35.

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ted T. Vo whose telephone number is (703) 308-9049. The examiner can normally be reached on Monday-Friday from 8:00 AM to 5:30 PM ET. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tuan Dam, can be reached on (703) 305-4552.

The fax phone numbers:

(703) 872-9306 (for formal communication intended for entry);

(703) 746-5429 (for informal or draft communication, please label "PROPOSED" or "DRAFT").

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.

TTV
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May 14, 2004



TUAN DAM
SUPERVISORY PATENT EXAMINER